

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERTO BACALLAO HERNANDEZ,

Petitioner,

-against-

A. MONTAGARI,

Respondent.

23-CV-2043 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated March 21, 2023, the Court directed Petitioner, within thirty days, to submit a completed request to proceed *in forma pauperis* (“IFP”) or pay the \$5.00 fee required to file a petition for a writ of *habeas corpus* in this court. That order specified that failure to comply would result in dismissal of the petition. Petitioner has not filed an IFP application or paid the fee.¹ Accordingly, the petition is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

¹ Public records maintained by the New York State Department of Corrections and Community Supervision (“DOCCS”) show that Petitioner was released from DOCCS custody on May 3, 2023. *See* <https://nysdoccslookup.doccs.ny.gov/>. Petitioner has failed to notify the court of a change of mailing address and has not initiated any further contact with the court, written or otherwise.

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: May 8, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge